

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RECEIVED

FILED DATE

3-7-08

QUICKIE, LLC,

Plaintiff

- against -

GREENBERG TRAUIG, LLC, THELEN,  
REID, BROWN, RAYSMAN & STEINER,  
L.L.P. (FORMERLY KNOWN AS THELEN,  
REID & PRIEST, LLP); and ROBERT E.  
KREBS, ESQ

Defendants

THELEN, REID, BROWN, RAYSMAN &  
STEINER, L.L.P. (FORMERLY KNOWN AS  
THELEN, REID & PRIEST, LLP); and  
ROBERT E. KREBS, ESQ

Third Party Plaintiffs

- against -

TODD SHARINN, PEPE & HAZARD LLP,  
ALAN FELL, and RICK, STEINER, FELL,  
& BENOWITZ, LLP

Third Party Defendants

07-cv-10331 (RMB)(DFE)

NOTICE OF MOTION FOR  
ADMISSION *PRO HAC VICE*

FILED  
U.S. DISTRICT COURT  
2008 MAR 12 PM 3:50  
S.D. OF N.Y.

PLEASE TAKE NOTICE that, upon the Affidavit of Stephen T. Loden, sworn to March 6, 2008, and Petitions of Allan B. Diamond, sworn to March 6, 2008, and Clifford H. Walston, sworn to March 6, 2008, and the exhibits annexed thereto, and upon all prior papers filed and proceedings heretofore had herein, Plaintiff will move this court, before the Honorable Richard M. Berman, Courtroom 21-D, at the United States Courthouse located at 500 Pearl Street, New York, New York 10007, as soon as this Motion can be heard, for an Order pursuant to Local

Civil Rule 1.3(c), admitting Messrs. Diamond and Walston, *pro hac vice*, to argue or try this case in whole or in part, and permitting their firm, Diamond McCarthy LLP, to file a Notice of Appearance designating them as additional attorneys-of-record for Plaintiff in this action.

Dated: New York, New York  
March 6, 2008

Respectfully submitted,

DIAMOND MCCARTHY LLP  
*Attorneys for Plaintiff*

By: 

Richard I. Janvey (RJ1160)

Joan M. Secofsky (JS4035)

Stephen T. Loden (SL8754)

620 Eighth Avenue, 39th Floor

New York, New York 10018

(212) 430-5400

(212) 430-5499

[rjanvey@diamondmccarthy.com](mailto:rjanvey@diamondmccarthy.com)

[jsecofsky@diamondmccarthy.com](mailto:jsecofsky@diamondmccarthy.com)

[sloden@diamondmccarthy.com](mailto:sloden@diamondmccarthy.com)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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QUICKIE, LLC,

Plaintiff

- against -

GREENBERG TRAURIG, LLC, THELEN,  
REID, BROWN, RAYSMAN & STEINER,  
L.L.P. (FORMERLY KNOWN AS THELEN,  
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Defendants

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THELEN, REID, BROWN, RAYSMAN &  
STEINER, L.L.P. (FORMERLY KNOWN AS  
THELEN, REID & PRIEST, LLP); and  
ROBERT E. KREBS, ESQ

Third Party Plaintiffs

- against -

TODD SHARINN, PEPE & HAZARD LLP,  
ALAN FELL, and RICK, STEINER, FELL,  
& BENOWITZ, LLP

Third Party Defendants

---

07-cv-10331 (RMB)(DFE)

**AFFIDAVIT OF STEPHEN T. LODEN IN SUPPORT OF  
MOTION TO APPEAR *PRO HAC VICE***

STEPHEN T. LODEN, being duly sworn, deposes and states:

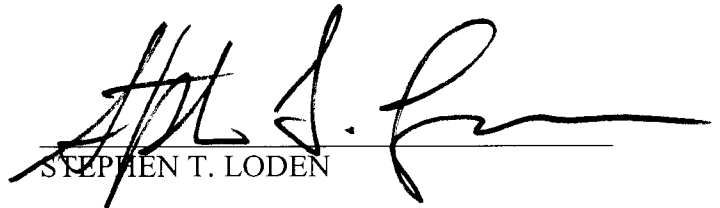
1. I am a member of the bar of the State of New York and of this Court, and a member of the firm Diamond McCarthy LLP, attorneys for Plaintiff in the above-captioned action. This Affidavit is made in support of Plaintiff's Motion for an Order, pursuant to Local Civil Rule 1.3(c), admitting Allan B. Diamond and Clifford H. Walston, both of the firm

Diamond McCarthy LLP with their main office at 909 Fannin Street, Suite 1500, Houston, Texas 77010, to argue or try this case in whole or in part, and permitting Diamond McCarthy LLP to file a Notice of Appearance designating Messrs. Diamond and Walston as additional attorneys-of-record for Plaintiff herein.

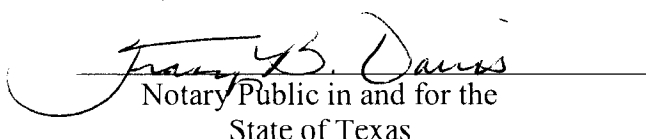
2. Messrs. Diamond and Walston are both members of the firm Diamond McCarthy LLP and each have submitted Affidavits and Certifications in support of this Motion. Messrs. Diamond and Walston are members in good standing of the bar of the State of Texas and are admitted to practice in the United States District Courts reflected on their respective Petitions. The relevant Certificates of Good Standing are annexed as Exhibit A to their respective Affidavits.

3. As also stated in their Affidavits, Messrs. Diamond and Walston are familiar with the facts of this case. They each state that they have read and are familiar with the rules of this Court, and they have each agreed to abide by these rules.

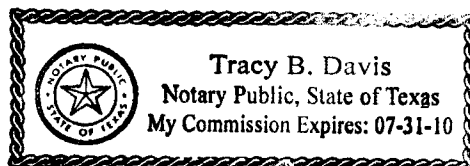
WHEREFORE, your deponent respectfully requests that the within Motion for an Order (i) admitting Messrs. Diamond and Walston, *pro hac vice*, to argue or try this case in whole or in part, and (ii) permitting Diamond McCarthy to file a Notice of Appearance designating Messrs. Diamond and Walston as additional attorneys-of-record for the Plaintiff herein, be granted in all respects.

  
STEPHEN T. LODEN

Sworn to before me this 12th day of  
March, 2008.

  
Notary Public in and for the  
State of Texas

131549v1



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

QUICKIE, LLC,

Plaintiff

- against -

GREENBERG TRAURIG, LLC, THELEN,  
REID, BROWN, RAYSMAN & STEINER,  
L.L.P. (FORMERLY KNOWN AS THELEN,  
REID & PRIEST, LLP); and ROBERT E.  
KREBS, ESQ

Defendants

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THELEN, REID, BROWN, RAYSMAN &  
STEINER, L.L.P. (FORMERLY KNOWN AS  
THELEN, REID & PRIEST, LLP); and  
ROBERT E. KREBS, ESQ

Third Party Plaintiffs

- against -

TODD SHARINN, PEPE & HAZARD LLP,  
ALAN FELL, and RICK, STEINER, FELL,  
& BENOWITZ, LLP

Third Party Defendants

---

07-cv-10331 (RMB)(DFE)

**AFFIDAVIT OF ALLAN B. DIAMOND IN SUPPORT OF  
MOTION TO APPEAR *PRO HAC VICE***

ALLAN B. DIAMOND, being duly sworn, deposes and states:

1. This Affidavit is submitted in support of the motion seeking my *pro hac vice* admission to represent the Plaintiff in above-captioned action before this Court.

2. I am a member in good standing of the Bar of the State of Texas and have been since 1979. Attached hereto as Exhibit A is a good standing certificate from the Supreme

Court of Texas and the State Bar of Texas attesting as to my good standing. I am also admitted to practice before the United States Supreme Court (1986); before the United States Circuit Court of Appeals for the 5<sup>th</sup> Circuit (1979); before the United States Circuit Court of Appeals for the 11<sup>th</sup> Circuit (1981); before the United States Circuit Court of Appeals for the 10<sup>th</sup> Circuit (1987); before the United States Court of Appeals for the Ninth Circuit (2005), before the United States Court of Appeals for the Seventh Circuit (2005), before the United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas (1979, 1982, 1982 & 1983, respectively); before the United States District Court for the Northern District of Georgia (1979); before the United States District Court for the Western District of Oklahoma (1984); before the United States District Court for the Southern District of Florida (1999), before the United States District Court for the Central District of California (2003), before the United States District Court for the Northern District of Illinois (2004), before the United States District Court of Minnesota (2001), before the United States District Court of Nevada (2002), and before the United States District Court for the Western District of North Carolina (1992).

3. I am a member of the law firm of Diamond McCarthy and maintain an office at Two Houston Center, 909 Fannin Street, Suite 1500, Houston, Texas 77010.

4. I have never been held in contempt of court.

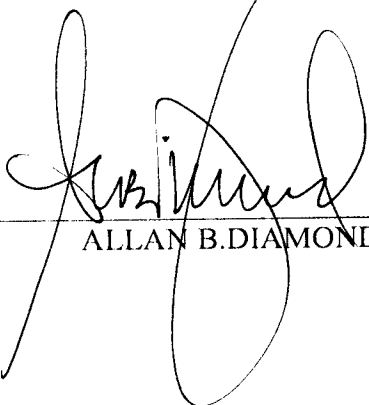
5. I have never been censured, suspended or disbarred by any court.

6. I have read the rules of the United States District Court for the Southern District of New York and I am familiar with them.

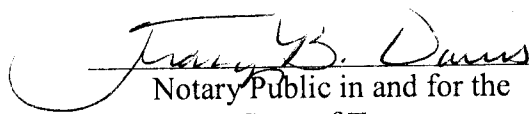
7. I have been one of the principal attorneys responsible for the above-captioned action and I am fully familiar with all proceedings herein. I hereby request that I be permitted to try the case with Stephen T. Loden and Richard I. Janvey.

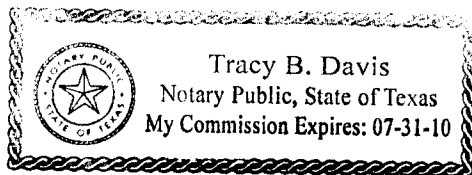
6. I hereby undertake that the fee of \$25.00 for *pro hac vice* admission will be paid to the clerk of the Court, Cashier's Office.

WHEREFORE, I submit this Affidavit seeking my admission *pro hac vice* to represent Plaintiffs in the above-captioned action.

  
ALLAN B. DIAMOND

Sworn to before me this 6th day of  
March, 2008.

  
Notary Public in and for the  
State of Texas



# **EXHIBIT A**



# STATE BAR OF TEXAS



## Office of The Chief Disciplinary Counsel

February 26, 2008

RE: **Mr. Allan Brent Diamond**  
State Bar Number - **05801800**

To Whom it May Concern:

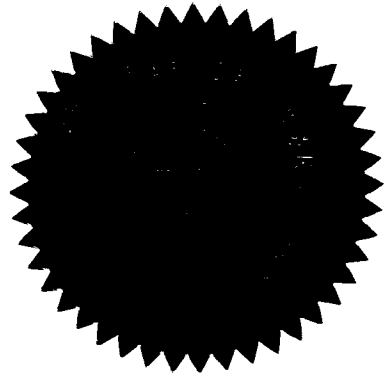
This is to certify that Mr. Allan Brent Diamond was licensed to practice law in Texas on November 12, 1979 and is an active member in good standing with the State Bar of Texas.

Good Standing means that the attorney is current on payment of Bar dues and attorney occupation tax; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension.

No disciplinary action involving professional misconduct has been taken against the attorney's law license. This certification expires 30 days from this date, unless sooner revoked or rendered invalid by operation of rule or law.

John A. Neal  
Chief Disciplinary Counsel

JN/dh



# The Supreme Court of Texas

AUSTIN

CLERK'S OFFICE

I, **BLAKE HAWTHORNE**, Clerk of the Supreme Court of Texas, certify that the records of this office show that

**Allan Brent Diamond**

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 12th day of November, 1979.

I further certify that the records of this office show that, as of this date


**Allan Brent Diamond**

is presently enrolled with the State Bar of Texas as an active member in good standing.

**IN TESTIMONY WHEREOF** witness my hand

and the seal of the Supreme Court of  
Texas at the City of Austin, this, the  
21st day of February, 2008.

BLAKE HAWTHORNE, Clerk

by   
Brad Sonogo, Deputy Clerk

No. 7405A

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

QUICKIE, LLC,

Plaintiff

- against -

GREENBERG TRAUIG, LLC, THELEN,  
REID, BROWN, RAYSMAN & STEINER,  
L.L.P. (FORMERLY KNOWN AS THELEN,  
REID & PRIEST, LLP); and ROBERT E.  
KREBS, ESQ

Defendants

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THELEN, REID, BROWN, RAYSMAN &  
STEINER, L.L.P. (FORMERLY KNOWN AS  
THELEN, REID & PRIEST, LLP); and  
ROBERT E. KREBS, ESQ

Third Party Plaintiffs

- against -

TODD SHARINN, PEPE & HAZARD LLP,  
ALAN FELL, and RICK, STEINER, FELL,  
& BENOWITZ, LLP

Third Party Defendants

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07-cv-10331 (RMB)(DFE)

**AFFIDAVIT OF CLIFFORD H. WALSTON IN SUPPORT OF  
MOTION TO APPEAR *PRO HAC VICE***

CLIFFORD H. WALSTON, being duly sworn, deposes and states:

1. This Affidavit is submitted in support of the Motion seeking my *pro hac vice* admission to represent the Plaintiff in above-captioned action before this Court.

2. I am a member in good standing of the Bars of the State of Texas, Mississippi and Alabama and have been since 2002, 2003, and 2004, respectively. Attached

hereto as Exhibit A are good standing certificates from the Supreme Court of Texas, State Bar of Texas, Mississippi State Bar and the Alabama State Bar attesting as to my good standing. I am also admitted to practice before the United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas.

3. I am a member of the law firm of Diamond McCarthy LLP and maintain an office at Two Houston Center, 909 Fannin Street, Suite 1500, Houston, Texas 77010.

4. I have never been held in contempt of court.

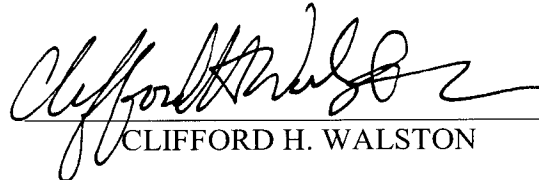
5. I have never been censured, suspended or disbarred by any court.

6. I have read the rules of the United States District Court for the Southern District of New York and I am familiar with them.

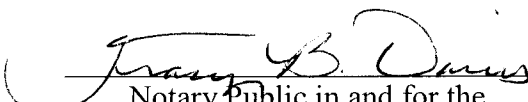
7. I have been one of the principal attorneys responsible for the above-captioned action and I am fully familiar with all proceedings herein. I hereby request that I be permitted to try the case with Stephen T. Loden and Richard I. Janvey.

6. I hereby undertake that the fee of \$25.00 for *pro hac vice* admission will be paid to the clerk of the Court, Cashier's Office.

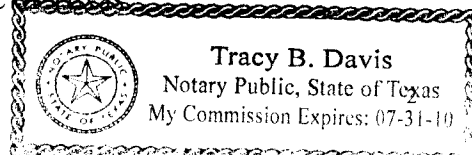
WHEREFORE, I submit this Affidavit seeking my admission *pro hac vice* to represent Plaintiffs in the above-captioned action.

  
CLIFFORD H. WALSTON

Sworn to before me this 6th day of  
March, 2008.

  
Notary Public in and for the  
State of Texas

131592v1



# **EXHIBIT A**

# STATE BAR OF TEXAS



## Office of The Chief Disciplinary Counsel

February 26, 2008

RE: **Mr. Clifford Hugh Walston**  
State Bar Number - **24037666**

To Whom it May Concern:

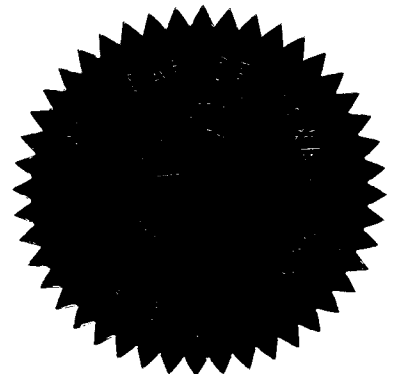
This is to certify that Mr. Clifford Hugh Walston was licensed to practice law in Texas on November 06, 2002 and is an active member in good standing with the State Bar of Texas.

Good Standing means that the attorney is current on payment of Bar dues and attorney occupation tax; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension.

No disciplinary action involving professional misconduct has been taken against the attorney's law license. This certification expires 30 days from this date, unless sooner revoked or rendered invalid by operation of rule or law.

John A. Neal  
Chief Disciplinary Counsel

JN/dh



# The Supreme Court of Texas

AUSTIN

CLERK'S OFFICE

I, **BLAKE HAWTHORNE**, Clerk of the Supreme Court of Texas, certify that the records of this office show that

**Clifford Hugh Walston**

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 6th day of November, 2002.

I further certify that the records of this office show that, as of this date

**Clifford Hugh Walston**

is presently enrolled with the State Bar of Texas as an active member in good standing.

**IN TESTIMONY WHEREOF** witness my hand

and the seal of the Supreme Court of  
Texas at the City of Austin, this, the  
21st day of February, 2008.

**BLAKE HAWTHORNE**, Clerk

by *Brad Sonego*  
**Brad Sonego**, Deputy Clerk

No. 7405C



THE MISSISSIPPI BAR

Post Office Box 2168  
Jackson, Mississippi 39225-2168  
Telephone (601) 948-4471  
Fax (601) 355-8635  
E-Mail [info@msbar.org](mailto:info@msbar.org)  
Website [www.msbar.org](http://www.msbar.org)

## *Letter of Good Standing*

TO WHOM IT MAY CONCERN:

*As of the date below, the attorney named is a member in good standing of The Mississippi Bar on **Active** status.*

***Clifford Hugh Walston** (Mississippi Bar Identification Number (100896) was admitted to practice law **April 29, 2003** and has not been the subject of any public disciplinary actions. The attorney named has never had fitness to practice challenged.*

Kathy Bass  
Membership Records Administrator

Date

02/21/2008

Official Seal of  
The Mississippi Bar





415 Dexter Avenue • Post Office Box 671 • Montgomery, Alabama 36101  
Telephone: 334/269-1515 • Fax: 334/261-6310  
www.alabar.org

**STATE OF ALABAMA**

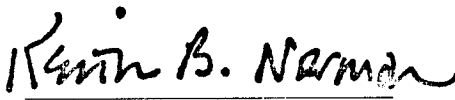
**COUNTY OF MONTGOMERY**

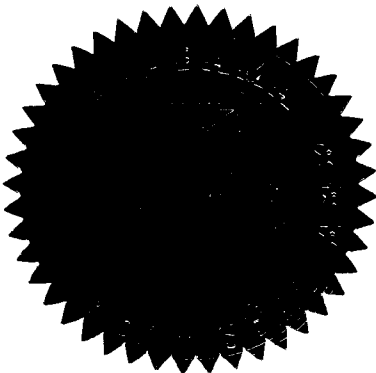
*I, Keith B. Norman, Secretary of the Alabama State Bar and custodian of its records, hereby certify that Clifford Hugh Walston has been duly admitted to the Bar of this State and is entitled to practice in all of the courts of this State including the Supreme Court of Alabama, which is the highest court of said state.*

*I further certify that Clifford Hugh Walston was admitted to the Alabama State Bar April 30, 2004.*

*I further certify that the said Clifford Hugh Walston is presently a member in good standing of the Alabama State Bar, having met all licensing/dues requirements for the year ending September 30, 2008.*

*IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Alabama State Bar on this the 21st day of February, 2008.*

  
Keith B. Norman, Secretary



LAWYERS RENDER SERVICE

RECEIVED  
DATE 3-17-08

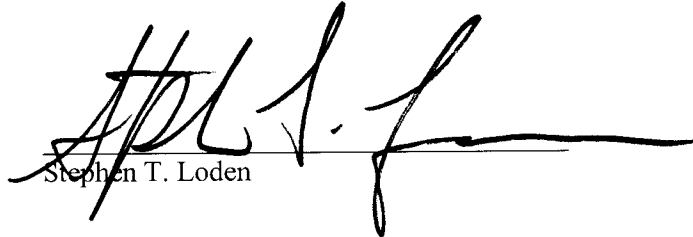
**CERTIFICATE OF SERVICE**

I hereby certify that, on March 6, 2008, I caused to be served the within NOTICE OF MOTION FOR ADMISSION *PRO HAC VICE*, together with the supporting Affidavit of Stephen T. Loden, Allan B. Diamond and Clifford H. Walston in the above captioned cause by overnight delivery, facsimile, and/or electronic mail to the following:

Martin I. Kaminsky  
Justin Y. K. Chu  
Pollack & Kaminsky  
114 West 47<sup>th</sup> Street  
New York, New York 10036  
[mikaminsky@pollacklawfirm.com](mailto:mikaminsky@pollacklawfirm.com)  
[jchu@pollacklawfirm.com](mailto:jchu@pollacklawfirm.com)  
(212) 575-6560 (facsimile)

Steven C. Krane  
Proskauer Rose LLP  
1585 Broadway  
New York, NY 10036-8299  
[skrane@proskauer.com](mailto:skrane@proskauer.com)  
(212) 969-2000 (facsimile)

Pamela A. Bresnahan  
Vorys, Sater, Seymour and Pease LLP  
1828 I Street, N.W., 11<sup>th</sup> Floor  
Washington, DC 20036-5109  
[pbresnahan@vssp.com](mailto:pbresnahan@vssp.com)  
(202) 533-9020 (facsimile)

  
Stephen T. Loden

*[Handwritten signature]*  
**FILED**  
 DATE 3/12/08

**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK**

QUICKIE, LLC,

Plaintiff

- against -

GREENBERG TRAUIG, LLC, THELEN,  
 REID, BROWN, RAYSMAN & STEINER,  
 L.L.P. (FORMERLY KNOWN AS THELEN,  
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Third Party Plaintiffs

- against -

TODD SHARINN, PEPE & HAZARD LLP,  
 ALAN FELL, and RICK, STEINER, FELL,  
 & BENOWITZ, LLP

Third Party Defendants

**ORDER GRANTING MOTION OF ALLAN B. DIAMOND AND  
 CLIFFORD H. WALSTON TO APPEAR *PRO HAC VICE***

This matter is before the Court on the Motion of Plaintiff, Quickie, LLC to allow Allan B. Diamond and Clifford H. Walston to be admitted *pro hac vice* to practice before this Court.

Allan B. Diamond and Clifford H. Walston have both filed Affidavits and Certifications in accordance with Local Rules of this Court and have certified that they will abide by the rules, conditions and provisions of the District Court. Accordingly, based on the foregoing, and for good

cause shown, it is

ORDERED that Allan B. Diamond and Clifford H. Walston be and hereby are, admitted to practice before this Court in this matter.

IT IS SO ORDERED

Dated: New York, New York  
March \_\_, 2008.

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The Honorable Richard M. Berman  
United States District Judge